

### **REMARKS**

Applicants respectfully request consideration of the subject application as amended herein. This Amendment is submitted in response to the Office Action mailed May 29, 2008. Claims 45-52 stand rejected. Claims 53-60 are allowed. In this Amendment, claims 45-60 have been amended. No claims have been canceled. Claims 61-68 have been added. No new matter has been added.

### **35 U.S.C. §101**

The Examiner has rejected claims 45-52 under 35 U.S.C. §101 as being directed to non-statutory subject matter. Specifically, the Examiner states that claims 45-52 define non-statutory processes because they merely manipulate an abstract idea without a claimed limitation to produce a useful, concrete, tangible result. (Office Action, page 3). Claims 45-52 have been amended. The concrete, tangible result is that an unknown sampled work is identified. The result is useful in that the unknown sampled work is no longer unknown. Accordingly, Applicants respectfully requests that the Examiner remove the rejection under 35 U.S.C. §101.

In view of the above, all rejections have been overcome. Applicant respectfully submits that all pending claims are in condition for allowance, which action is earnestly solicited.

**Allowable Subject Matter**

Applicants thank the Examiner for indicating that claims 45-60 are allowable over the prior art of record.

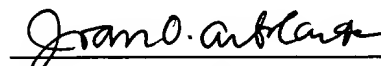
**Deposit Account Authorization**

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due. Furthermore, if an extension is required, then Applicant hereby requests such extension.

If the Examiner determines the prompt allowance of these claims could be facilitated by a telephone conference, the Examiner is invited to contact Joan O. Arbolante at (408) 720-8300.

Respectfully Submitted,  
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: August 29, 2008



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